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RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SCOTT N. SCHOOLS (SC 9990)  
United States Attorney

JOANN M. SWANSON (CSBN 88143)  
Chief, Civil Division

STEVEN J. SALTIEL (CSBN 202292)  
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102  
Telephone: (415) 436-6996  
FAX: (415) 436-6748

Attorneys for United States of America  
(as Proposed *Amicus Curiae*)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

MICHAEL MYUNG-SUP SHIN,

Plaintiff,

v.

ADMINISTRATIVE OFFICE OF THE  
UNITED STATES COURTS, CHARLES  
R. BREYER, JIM DUFF, JAMES E.  
COOKE, and DOES 1 - 50,

Defendants.


No. C 06-7765 MMC

**[PROPOSED] ORDER DISMISSING  
THE COMPLAINT AS TO  
DEFENDANT CHARLES R. BREYER  
BASED ON JUDICIAL IMMUNITY**

Before the Court is the Memorandum of Points and Authorities of *Amicus Curiae* United States of America in Support of Absolute Immunity of Defendant Judge Charles R. Breyer, urging to Court to dismiss the complaint *sua sponte*, with prejudice, as to defendant Breyer on the grounds of judicial immunity. Plaintiff seeks monetary relief for the acts of Judge Breyer in a case in which Plaintiff was a party, entitled Michael Myung-Sup Shin v. Mike Dalisay, et al., Case No. C 02-2648 CRB. Since the acts attributed in the complaint to Judge Breyer were judicial acts within his jurisdiction, he is absolutely immune from suit. Mireles v. Waco, 502 U.S. 9, 9-10 (1991).

[PROPOSED] ORDER DISMISSING COMPLAINT  
No. C 06-7765 MMC

1 Therefore, it is hereby ORDERED that plaintiff's claims against defendant Breyer are  
2 dismissed, with prejudice.

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5 HON. MAXINE M. CHESNEY  
United States District Judge

6 DATED: MAR 27 2007  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she is causing a copy of the following:

**[PROPOSED] ORDER DISMISSING THE COMPLAINT AS TO DEFENDANT  
CHARLES R. BREYER BASED ON JUDICIAL IMMUNITY**

**Michael Myung-Sup Shin v. Administrative Office of the United States Courts, Charles E.  
Breyer, Jim Duff, James E. Cooke, and DOES 1-50,**  
**Case No. C-06 7765 MMC**

to be served this date upon the party(ies) indicated below at the address(es) shown:

Michael Myung-Sup Shin  
35030 Begonia Street  
Union City, CA 94587

☒

**BY FIRST CLASS MAIL** by placing a true copy thereof in a sealed envelope with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.


☐ **BY PERSONAL SERVICE (BY MESSENGER):** I caused such envelope to be delivered by hand to the person or offices of each addressee above.

☐ **BY FACSIMILE (FAX):** I caused each such document to be sent by facsimile to the person or offices of each addressee above.

☐ **BY E-MAIL:** I caused each such document to be sent by e-mail to the person or offices of each address above.

☐ **BY FEDERAL EXPRESS**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed March 2, 2007 at San Francisco, California.

  
KATHY TERRY  
Legal Assistant

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL MYUNG-SUP SHIN,  
Plaintiff,

Case Number: CV06-07765 MMC

**CERTIFICATE OF SERVICE**

v.

ADMINISTRATIVE OFFICE OF THE U.S.  
COURTS et al,

Defendant.

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I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on March 27, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Michael Myung-Sup Shin  
35030 Begonia Street  
Union City, CA 94587-5340

Steven J. Saltiel  
U.S. Attorney - Civil Division  
450 Golden Gate Avenue, 10<sup>th</sup> Fl.  
P.O. Box 36055  
San Francisco, CA 94102

Dated: March 27, 2007

Richard W. Wicking, Clerk



By: Tracy Lucero, Deputy Clerk